

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

NOTICE OF MOTION

Case No.: 15-cr-00149(RJA)

FRANK R. PARLATO, JR.,
Defendant.

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Herbert L. Greenman, Esq. the undersigned hereby explains to the Court the reason for the separate sentencing memoranda filings (Dockets 324 and 325) together with such other and further relief as to this Court deems appropriate.

DATED: Buffalo, New York
July 11, 2023

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
PAUL J. CAMBRIA, JR., ESQ.,
Attorneys for Defendant
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TO: MICHAEL DIGIACOMO, ESQ.
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ASSISTANT UNITED STATES ATTORNEYS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,
v.

AFFIDAVIT

Case No.: 15-cr-00149(RJA)

FRANK R. PARLATO, JR., et al
Defendant.

STATE OF NEW YORK)
COUNTY OF ERIE)ss
CITY OF BUFFALO)

HERBERT L. GREENMAN and PAUL J. CAMBRIA, JR., being duly sworn,
depose and say:

- 1) We are the attorneys for the defendant Frank R. Parlato, Jr.
- 2) On July 5, 2023 counsel received a Text Order from Senior United States District Judge Richard J. Arcara inquiring as to information about the filing of previous sentence memoranda on behalf of Mr. Parlato.
- 3) Initially, counsel filed a sentence memorandum (Document 324) on Mr. Parlato's behalf. However, after filing the memorandum we realized that a number of letters appeared crooked and, as a result, the following day we refiled the memorandum with the straightened out letters. Consequently, Document 325 was filed. The documents 324 and 325 are otherwise the same.
- 4) Therefore, there is no reason for the Court to consider Document 324.
- 5) With respect to pages 100 and 114 of defendant's submissions, the letters which we scanned and sent to the Court were legible. However, we now realize that the two

letters which were received by the Court are not otherwise legible. In order to avoid the same problem, we would propose that the two letters be sent to the Court's chambers on Tuesday, July 11th so that we will not have to face the same problems relative to the ability of the Court to read the letters. We will provide copies of those letters as well to counsel for the government.

6) We believe that this resolution should resolve the issues raised by the Court.

WHEREFORE, counsel asks that this Court permit the filing of the letters accordingly.

/s/Paul J. Cambria, Jr.

PAUL J. CAMBRIA, JR., ESQ.

Subscribed and sworn to before me this
11th day of July, 2023

/s/Elizabeth M. Jagord-Ward

Notary Public State of New York,
Qualified in Erie County
My Commission Expires October 31, 2026.

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.

Subscribed and sworn to before me this
11th day of July, 2023

/s/Elizabeth M. Jagord-Ward

Notary Public State of New York,
Qualified in Erie County
My Commission Expires October 31, 2026.